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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,467	10/14/2003	Michelle Jillian Fuwause	3715-016 DIV1	7801

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EXAMINER

TRUONG, BAO Q

ART UNIT PAPER NUMBER

2875

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/686,467	<b>Applicant(s)</b> FUWAUSA ET AL.	
	<b>Examiner</b> Bao Q. Truong	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21, 25-33 and 35 is/are rejected.
- 7) ☒ Claim(s) 22-24 and 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05 July 2005 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21, 26-28, 31-33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shanley et al. [US 6,630,682] in view of Wojnarowski et al. [US 6,452,217].

Regarding claims 21 and 26 Shanley et al. disclose a flashlight [10] having an elongated body [12], an ultraviolet lamp [20], a cover [14, 16, 18] and a projection mirror [30] (figures 1-5, column 2 lines 47-64). Shanley does not disclose the ultraviolet emitter including a semiconductor junction.

Wojnarowski discloses an ultraviolet emitter including a semiconductor junction [36] (figures 13-18, abstract).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the ultraviolet lamp of Shanley by the ultraviolet emitter including the semiconductor junction as taught by Wojnarowski for purpose of providing an advantageous way of saving electrical energy and increasing lifetime.

Regarding claim 27, Wojnarowski et al. disclose the ultraviolet emitter without a lens (figure 16).

Regarding claim 28, Wojnarowski et al. disclose a power source [92] (figure 18).

Regarding claim 31, Wojnarowski et al. disclose an ultraviolet emitter [36] including a disc [surface to attached LED die 52] and a reflector area (column 7 lines 26-30).

Regarding claim 32, Shanley et al. disclose a lens [16] (figure 1).

Regarding claim 33, Shanley et al. teaches a set of replacement lenses [16, 18] having different shape and generating different type of beam (figures 1-4, column 2 lines 48-54, column 3 lines 51-55, column 4 lines 36-40).

Regarding claim 35, Wojnarowski et al. disclose the semiconductor junction being mounted in a metallic package [34] (figures 5-7, column 4 lines 55-58).

4. Claims 25, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shanley et al. and Wojnarowski et al. in view of Visciano [US 4,495,550].

Regarding claims 25, 29 and 30, Shanley and Wojnarowski et al. disclose a housing body [83] but do not disclose the body being flexible or the body including the rigid portion and the flexible portion.

Visciano teaches the use of a flexible housing body [22] and a rigid body [12] to allow the flashlight to change shape (figure 2, column 2 lines 16-25).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the housing body of Wojnarowski et al. with the flexible housing body as taught by Visciano to change the flashlight body shape for purpose of providing a design shape configuration.

#### ***Allowable Subject Matter***

5. Claims 22-24 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 22, the cover is a quartz element attached to the elongated body.

Claims 23-24 are dependent on claim 22.

Claim 34, the lens is made of quartz.

The limitations discussed above are neither disclosed nor suggested by the prior art of record.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bao Q. Truong  
Examiner  
Art Unit 2875

  
JOHN ANTHONY WARD  
PRIMARY EXAMINER